

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV229-MU-03**

RICHARD T. MAY, )  
Petitioner, )  
 )  
v. )                   **ORDER**  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )  
 )

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**THIS MATTER** comes before the Court on Petitioner's Motion to Vacate filed pursuant to 28 U.S.C. §2255 on May 11, 2005; and on the Government's "Answer to Petitioner's Motion to Vacate, Set Aside, Or Correct Sentence Pursuant to 28 U.S.C. § 2255 and Motion to Dismiss", filed September 14, 2005.

After careful review of the Respondent's Motion to Dismiss, this Court finds that the Government may be entitled to a summary dismissal of the instant Petition as a matter of law.

**PETITIONER MAY READ THIS:**

You now have the opportunity to reply to the respondent's Motion. You may not allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Habeas Petition and/or those set forth in the respondent's Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your reply in opposition to the respondent's Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. That the Petitioner has thirty (30) days from the filing of this Order in which to provide a response to the Respondent's Motion to Dismiss; and
2. That the Clerk shall send copies of this Order to the Petitioner and to counsel for the Respondent.

**SO ORDERED.**

**Signed: September 20, 2005**



A handwritten signature in black ink, appearing to read "Graham C. Mullen". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Graham C. Mullen  
Chief United States District Judge

